



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application of

Gervais DIONNE et al.

Original U.S. Patent No. 5,538,975

Serial No.: RE 09/726,244

Filed: November 29, 2000

Box: REISSUE

Group Art Unit:

Examiner: James O. Wilson

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SEP 24 2001

TECH CENTER 1600/2900

For: **1,3-OXATHIOLANE NUCLEOSIDE ANALOGUES AND METHODS FOR USING SAME**

**POWER OF ATTORNEY, OATH and  
REISSUE DECLARATION UNDER 37 C.F.R. §1.175 and § 1.63**

Assistant Commissioner for Patents  
Washington, D.C. 20231

SIR:

The undersigned inventors of the subject matter of the claims of U.S. Patent No. 5,538,975 and of the subject matter of the claims as proposed herein for reissue, being duly warned, declare as follows:

The undersigned inventors of the subject matter of the claims of U.S. Patent No. 5,538,975 and of the subject matter of the claims as proposed herein for reissue, believe their original patent U.S. Patent No. 5,538,975 to be wholly or partly inoperative by reason of the patentees claiming less than they had a right to claim in the patent. Specifically, there is an error in that the patent does not contain claims of intermediate scope, i.e., narrower in scope than at least one claim of the issued patent. Also, there is an error in that the inventive entity is incorrectly indicated as Gervais Dionne and should instead be Gervais Dionne, Bernard Belleau, Nghe Nguyen-Ba, and Boulos Zacharie. Further, there is an error in that the patent does not include a claim to priority under co-pending application Serial No. 07/564,160, filed August 8, 1990, which also discloses the (-)-enantiomer of *cis*-2-hydroxymethyl-5-(5'-fluorocytosin-1'-yl)-1,3-oxathiolane.

All errors sought for correction by this reissue application up to the filing of this reissue oath arose without any deceptive intention on the part of Applicants.

We have reviewed and understand the contents of the specification, including the claims, as amended in the attached reissue application.

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and Shona S. McDiarmid (38,798), and Danièle Éthier (46,417).

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

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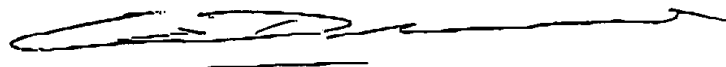
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